

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

MICHAEL B. KINGSLEY,

Plaintiff,

v.

LISA JOSVAI, PATRICIA FISH,
ROBERT CONROY, STAN HENDRICKSON,
FRITZ DEGNER and KARL BLANTON,

Defendant.

ORDER

10-cv-832-bbc

In a November 16, 2011 order, the court granted defendants' motion for summary judgment in part and denied it in part, as well as denying plaintiff's motion for partial summary judgment. The case is now proceeding to trial on plaintiff Michael Kingsley's claims that defendants Conroy, Hendrickson, Degner and Blanton used excessive force against him in violation of the Eighth Amendment after he had been carried to a receiving cell on May 21, 2010.

Now plaintiff has filed a renewed motion for appointment of counsel. I conclude that appointment of counsel is appropriate as this case approaches the trial phase. Ed Pardon, Wendy Ward and Joel Graham, all lawyers admitted to practice in this court, have agreed to represent plaintiff, with the understanding that they will serve with no guarantee of compensation for their services. It is this court's intention that the appointment of these attorneys to represent plaintiff extends to proceedings in this court only.¹

¹ "Proceedings in this court" include all matters leading up to a final judgment on the merits, the filing of a Notice of Appeal, if appropriate, and ensuring that all steps are taken to transfer the record to the Court of Appeals for the Seventh Circuit.

Plaintiff should understand that because I am appointing counsel to represent him, he may not communicate directly with the court from this point forward. He must work directly with his lawyers and must permit them to exercise their professional judgment to determine which matters are appropriate to bring to the court's attention and in what form. Plaintiff does not have the right to require counsel to raise frivolous arguments or to follow every directive he makes. He should be prepared to accept the strategic decisions made by his lawyers even if he disagrees with some of them. In addition, plaintiff should understand that it is highly unlikely that this court would appoint another lawyer to represent him if he chooses not to work with these lawyers. The court will schedule a status conference to reset the schedule in this lawsuit.

ORDER

It is ORDERED that

- (1) Plaintiff Michael Kingsley's second motion for appointment of counsel, dkt. 75, is GRANTED. Ed Pardon, Wendy Ward and Joel Graham are appointed to represent plaintiff in this case.
- (2) Proceedings in this case are STAYED pending a status conference, at which time a new schedule will be set to resolve this case. The deadlines set in the court's February 17, 2012 trial preparation order are STRICKEN.

Entered this 21st day of February, 2012.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge